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8 BioRx, LLC

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 NUTRISHARE, INC., a California corporation,

12 Plaintiff,

13 v.

14 BioRx, LLC, an Ohio Limited Liability
Company,

15 Defendant.
16
17

Case No. 2:08-cv-01252-WBS-EFB

Complaint filed June 4, 2008

**DEFENDANT BioRx, LLC'S NOTICE OF
ERRATA TO OPPOSITION TO MOTION
FOR PRELIMINARY INJUNCTION**

DATE: August 18, 2008
TIME: 2:00 p.m.
CRTM: 5

18 TO NUTRISHARE, INC. AND ITS ATTORNEYS OF RECORD:

19 PLEASE TAKE NOTICE that Defendant's Opposition to Motion for Preliminary
20 Injunction, at page 1:17, inadvertently stated that BioRx has obtained a trademark registration. In
21 fact, as correctly stated in section II., D, pages 4-5, BioRx has registered the mark, which was
22 published for opposition on January 1, 2008. The U.S. PTO has completed its review without
23 citation to the Nutrishare mark as being confusingly similar and without opposition by anyone,
24 and the mark is expected to be registered in due course.

25 Dated: August 8, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

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27 By: s/ Amy Wintersheimer Findley
AMY WINTERSHEIMER FINDLEY
Attorneys for Defendant BioRx, LLC
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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE BY ECF

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 501 West Broadway, 15th Floor, San Diego, California 92101.

On August 8, 2008, I electronically filed:

- **DEFENDANT BioRx, LLC'S NOTICE OF ERRATA TO
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

Said document(s) is/are available for viewing and downloading from the Court's ECF System and said document(s) was/were served upon all interested parties listed below in the manner indicated.

Via CM/ECF System

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Attorneys for Plaintiff
NUTRISHARE, INC.

Telephone: (916) 444-1000
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I declare under penalty of perjury under the laws of the State of California that I am employed by a member of the bar of this Court and that the foregoing is true and correct.

Executed on August 8, 2008, at San Diego, California.

Susan L. Pierson
(Type or print name)


(Signature)